



# Senate

General Assembly

**File No. 355**

February Session, 2008

Substitute Senate Bill No. 39

*Senate, April 1, 2008*

The Committee on Planning and Development reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## **AN ACT CONCERNING RESPONSIBLE GROWTH.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2008*) As used in sections 2 and 3  
2 of this act:

3 (1) "Development of regional significance" means a construction  
4 project that is planned to create, or a renovation or expansion project  
5 that is planned to result in, more than (A) two hundred fifty thousand  
6 square feet of indoor commercial or industrial space, (B) two hundred  
7 fifty residential housing units that are less than four stories, or (C) five  
8 hundred parking spaces; and

9 (2) "Responsible growth principles" means the use of land and  
10 resources to enhance the long-term quality of life for citizens of the  
11 state and future generations by (A) protecting open space, farmlands  
12 and historic sites, (B) cleaning up and reusing brownfields, (C)  
13 encouraging growth and real estate development to areas served by

14 existing infrastructure, (D) promoting development of housing,  
15 including affordable housing, in proximity to existing highways and  
16 sewers, (E) revitalizing cities, (F) preserving the unique charm of the  
17 state, (G) developing pedestrian or other nonmotorized transportation,  
18 and (H) building livable, economically strong communities while  
19 protecting our natural resources.

20       Sec. 2. (NEW) (*Effective July 1, 2008*) (a) There shall be a Responsible  
21 Growth Cabinet which shall consist of the Secretary of the Office of  
22 Policy and Management, the Commissioners of Economic and  
23 Community Development, Environmental Protection, Agriculture,  
24 Transportation and Public Health, or their designees, and the executive  
25 directors of the Connecticut Housing Finance Authority and the  
26 Connecticut Development Authority, or their designees. The Secretary  
27 of the Office of Policy and Management, or the designee of the  
28 secretary, shall be the chairperson of the cabinet.

29       (b) The cabinet shall advise the Governor on policies and initiatives  
30 to implement responsible growth principles and review developments  
31 of regional significance in accordance with the provisions of section 3  
32 of this act.

33       Sec. 3. (NEW) (*Effective January 1, 2009*) (a) Before issuing a state  
34 permit or providing state financial assistance of more than five  
35 hundred thousand dollars in connection with a development of  
36 regional significance, a state agency shall refer the development for  
37 review to the Responsible Growth Cabinet, established under section 2  
38 of this act. The cabinet may invite the developer to the next meeting of  
39 the cabinet to make a presentation on the development and answer  
40 questions asked by the members of the cabinet. Such meeting shall be  
41 open to the public and notice of such meeting shall be in accordance  
42 with section 1-225 of the 2008 supplement to the general statutes. Not  
43 more than thirty days after the meeting, the cabinet shall provide  
44 written comments to the developer on the consistency of the  
45 development with the principles of responsible growth. Such  
46 comments may include (1) specific recommendations to strengthen the

47 consistency of the development with responsible growth principles,  
48 and (2) a recommendation whether it would be in the public interest  
49 for state agencies to coordinate the review and issuance of permits for  
50 the development and, if it is in the public interest, whether such  
51 development should receive state financial assistance. The comments  
52 shall also be sent to the regional council of elected officials, the  
53 regional council of governments or the regional planning agency of the  
54 planning region impacted by the development, the Departments of  
55 Education and Higher Education, the Connecticut Commission on  
56 Culture and Tourism, the Office of Workforce Competitiveness and  
57 any other state agency that the cabinet finds may be impacted by, in a  
58 position to directly assist, or required to approve some aspect of the  
59 development.

60 (b) The meeting, process and agenda and comments provided in  
61 this section shall not be construed to constitute a decision or approval  
62 of a state agency. Any action of the cabinet under this section may not  
63 be appealed and only parties described in this section may intervene in  
64 any meeting held under this section.

65 (c) The minutes of any meeting held under subsection (a) of this  
66 section shall be sent to the regional council of elected officials, the  
67 regional council of governments or the regional planning agency of the  
68 planning region impacted by the development, the Departments of  
69 Education and Higher Education, the Connecticut Commission on  
70 Culture and Tourism, the Office of Workforce Competitiveness and  
71 any other state agency that the cabinet finds may be impacted by, in a  
72 position to directly assist, or required to approve some aspect of the  
73 development.

74 Sec. 4. Subsection (a) of section 8-2 of the general statutes is repealed  
75 and the following is substituted in lieu thereof (*Effective July 1, 2008,*  
76 *and applicable to regulations adopted on or after July 1, 2008*):

77 (a) The zoning commission of each city, town or borough is  
78 authorized to regulate, within the limits of such municipality, the  
79 height, number of stories and size of buildings and other structures;

80 the percentage of the area of the lot that may be occupied; the size of  
81 yards, courts and other open spaces; the density of population and the  
82 location and use of buildings, structures and land for trade, industry,  
83 residence or other purposes, including water-dependent uses as  
84 defined in section 22a-93, and the height, size and location of  
85 advertising signs and billboards. Such bulk regulations may allow for  
86 cluster development as defined in section 8-18. Such zoning  
87 commission may divide the municipality into districts of such number,  
88 shape and area as may be best suited to carry out the purposes of this  
89 chapter; and, within such districts, it may regulate the erection,  
90 construction, reconstruction, alteration or use of buildings or  
91 structures and the use of land. All such regulations shall be uniform  
92 for each class or kind of buildings, structures or use of land throughout  
93 each district, but the regulations in one district may differ from those  
94 in another district, and may provide that certain classes or kinds of  
95 buildings, structures or uses of land are permitted only after obtaining  
96 a special permit or special exception from a zoning commission,  
97 planning commission, combined planning and zoning commission or  
98 zoning board of appeals, whichever commission or board the  
99 regulations may, notwithstanding any special act to the contrary,  
100 designate, subject to standards set forth in the regulations and to  
101 conditions necessary to protect the public health, safety, convenience  
102 and property values. Such regulations shall be made in accordance  
103 with a comprehensive plan and in adopting such regulations the  
104 commission shall consider the plan of conservation and development  
105 prepared under section 8-23 of the 2008 supplement to the general  
106 statutes. No regulation or boundaries of a zoning district that are  
107 inconsistent with the plan shall be effective unless the legislative body  
108 of the municipality approves such regulation. The determination of  
109 inconsistency with the plan shall be made by the planning commission  
110 or combined planning and zoning commission and may not be  
111 appealed. Such regulations shall be designed to lessen congestion in  
112 the streets; to secure safety from fire, panic, flood and other dangers; to  
113 promote health and the general welfare; to provide adequate light and  
114 air; to prevent the overcrowding of land [; to avoid undue

115 concentration of population] and to facilitate the adequate provision  
116 for transportation, water, sewerage, schools, parks and other public  
117 requirements. Such regulations shall be made with reasonable  
118 consideration as to the character of the district and its peculiar  
119 suitability for particular uses and with a view to conserving the value  
120 of buildings and encouraging the most appropriate use of land  
121 throughout such municipality. Such regulations may, to the extent  
122 consistent with soil types, terrain, infrastructure capacity and the plan  
123 of conservation and development for the community, provide for  
124 cluster development, as defined in section 8-18, in residential zones.  
125 Such regulations shall also encourage the development of housing  
126 opportunities, including opportunities for multifamily dwellings,  
127 consistent with soil types, terrain and infrastructure capacity, for all  
128 residents of the municipality and the planning region in which the  
129 municipality is located, as designated by the Secretary of the Office of  
130 Policy and Management under section 16a-4a. Such regulations shall  
131 also promote housing choice and economic diversity in housing,  
132 including housing for both low and moderate income households, and  
133 shall encourage the development of housing which will meet the  
134 housing needs identified in the housing plan prepared pursuant to  
135 section 8-37t and in the housing component and the other components  
136 of the state plan of conservation and development prepared pursuant  
137 to section 16a-26. Zoning regulations shall be made with reasonable  
138 consideration for their impact on agriculture. Zoning regulations may  
139 be made with reasonable consideration for the protection of historic  
140 factors and shall be made with reasonable consideration for the  
141 protection of existing and potential public surface and ground  
142 drinking water supplies. On and after July 1, 1985, the regulations shall  
143 provide that proper provision be made for soil erosion and sediment  
144 control pursuant to section 22a-329. Such regulations may also  
145 encourage energy-efficient patterns of development, the use of solar  
146 and other renewable forms of energy, and energy conservation. The  
147 regulations may also provide for incentives for developers who use  
148 passive solar energy techniques, as defined in subsection (b) of section  
149 8-25 [ . The incentives may] of the 2008 supplement to the general

150 statutes, provided if the commission adopts such regulations, the  
151 regulations shall include, but not be limited to, cluster development,  
152 higher density development and performance standards for roads,  
153 sidewalks and underground facilities in the subdivision. Such  
154 regulations may provide for a municipal system for the creation of  
155 development rights and the permanent transfer of such development  
156 rights, which may include a system for the variance of density limits in  
157 connection with any such transfer. Such regulations may also provide  
158 for notice requirements in addition to those required by this chapter.  
159 Such regulations may provide for conditions on operations to collect  
160 spring water or well water, as defined in section 21a-150, including the  
161 time, place and manner of such operations. No such regulations shall  
162 prohibit the operation of any family day care home or group day care  
163 home in a residential zone. Such regulations shall not impose  
164 conditions and requirements on manufactured homes having as their  
165 narrowest dimension twenty-two feet or more and built in accordance  
166 with federal manufactured home construction and safety standards or  
167 on lots containing such manufactured homes which are substantially  
168 different from conditions and requirements imposed on single-family  
169 dwellings and lots containing single-family dwellings. Such  
170 regulations shall not impose conditions and requirements on  
171 developments to be occupied by manufactured homes having as their  
172 narrowest dimension twenty-two feet or more and built in accordance  
173 with federal manufactured home construction and safety standards  
174 which are substantially different from conditions and requirements  
175 imposed on multifamily dwellings, lots containing multifamily  
176 dwellings, cluster developments or planned unit developments. Such  
177 regulations shall not prohibit the continuance of any nonconforming  
178 use, building or structure existing at the time of the adoption of such  
179 regulations. Such regulations shall not provide for the termination of  
180 any nonconforming use solely as a result of nonuse for a specified  
181 period of time without regard to the intent of the property owner to  
182 maintain that use. Any city, town or borough which adopts the  
183 provisions of this chapter may, by vote of its legislative body, exempt  
184 municipal property from the regulations prescribed by the zoning

185 commission of such city, town or borough; but unless it is so voted  
186 municipal property shall be subject to such regulations.

187 Sec. 5. Subsection (a) of section 8-25 of the 2008 supplement to the  
188 general statutes is repealed and the following is substituted in lieu  
189 thereof (*Effective July 1, 2008, and applicable to regulations adopted on or*  
190 *after July 1, 2008*):

191 (a) No subdivision of land shall be made until a plan for such  
192 subdivision has been approved by the commission. Any person, firm  
193 or corporation making any subdivision of land without the approval of  
194 the commission shall be fined not more than five hundred dollars for  
195 each lot sold or offered for sale or so subdivided. Any plan for  
196 subdivision shall, upon approval, or when taken as approved by  
197 reason of the failure of the commission to act, be filed or recorded by  
198 the applicant in the office of the town clerk not later than ninety days  
199 after the expiration of the appeal period under section 8-8 of the 2008  
200 supplement to the general statutes, or in the case of an appeal, not later  
201 than ninety days after the termination of such appeal by dismissal,  
202 withdrawal or judgment in favor of the applicant but, if it is a plan for  
203 subdivision wholly or partially within a district, it shall be filed in the  
204 offices of both the district clerk and the town clerk, and any plan not so  
205 filed or recorded within the prescribed time shall become null and  
206 void, except that the commission may extend the time for such filing  
207 for two additional periods of ninety days and the plan shall remain  
208 valid until the expiration of such extended time. All such plans shall be  
209 delivered to the applicant for filing or recording not more than thirty  
210 days after the time for taking an appeal from the action of the  
211 commission has elapsed or not more than thirty days after the date  
212 that plans modified in accordance with the commission's approval and  
213 that comply with section 7-31 are delivered to the commission,  
214 whichever is later, and in the event of an appeal, not more than thirty  
215 days after the termination of such appeal by dismissal, withdrawal or  
216 judgment in favor of the applicant or not more than thirty days after  
217 the date that plans modified in accordance with the commission's  
218 approval and that comply with section 7-31 are delivered to the

219 commission, whichever is later. No such plan shall be recorded or filed  
220 by the town clerk or district clerk or other officer authorized to record  
221 or file plans until its approval has been endorsed thereon by the  
222 chairman or secretary of the commission, and the filing or recording of  
223 a subdivision plan without such approval shall be void. Before  
224 exercising the powers granted in this section, the commission shall  
225 adopt regulations covering the subdivision of land. No such  
226 regulations shall become effective until after a public hearing held in  
227 accordance with the provisions of section 8-7d of the 2008 supplement  
228 to the general statutes. Such regulations shall provide that the land to  
229 be subdivided shall be of such character that it can be used for  
230 building purposes without danger to health or the public safety, that  
231 proper provision shall be made for water, sewerage and drainage,  
232 including the upgrading of any downstream ditch, culvert or other  
233 drainage structure which, through the introduction of additional  
234 drainage due to such subdivision, becomes undersized and creates the  
235 potential for flooding on a state highway, and, in areas contiguous to  
236 brooks, rivers or other bodies of water subject to flooding, including  
237 tidal flooding, that proper provision shall be made for protective flood  
238 control measures and that the proposed streets are in harmony with  
239 existing or proposed principal thoroughfares shown in the plan of  
240 conservation and development as described in section 8-23 of the 2008  
241 supplement to the general statutes, especially in regard to safe  
242 intersections with such thoroughfares, and so arranged and of such  
243 width, as to provide an adequate and convenient system for present  
244 and prospective traffic needs. No regulation that is inconsistent with  
245 such plan shall be effective unless the legislative body of the  
246 municipality approves such regulation. The determination of  
247 inconsistency with the plan shall be made by the commission and may  
248 not be appealed. Such regulations shall also provide that the  
249 commission may require the provision of open spaces, parks and  
250 playgrounds when, and in places, deemed proper by the planning  
251 commission, which open spaces, parks and playgrounds shall be  
252 shown on the subdivision plan. Such regulations may, with the  
253 approval of the commission, authorize the applicant to pay a fee to the



254 municipality or pay a fee to the municipality and transfer land to the  
255 municipality in lieu of any requirement to provide open spaces. Such  
256 payment or combination of payment and the fair market value of land  
257 transferred shall be equal to not more than ten per cent of the fair  
258 market value of the land to be subdivided prior to the approval of the  
259 subdivision. The fair market value shall be determined by an appraiser  
260 jointly selected by the commission and the applicant. A fraction of  
261 such payment the numerator of which is one and the denominator of  
262 which is the number of approved parcels in the subdivision shall be  
263 made at the time of the sale of each approved parcel of land in the  
264 subdivision and placed in a fund in accordance with the provisions of  
265 section 8-25b. The open space requirements of this section shall not  
266 apply if the transfer of all land in a subdivision of less than five parcels  
267 is to a parent, child, brother, sister, grandparent, grandchild, aunt,  
268 uncle or first cousin for no consideration, or if the subdivision is to  
269 contain affordable housing, as defined in section 8-39a, equal to twenty  
270 per cent or more of the total housing to be constructed in such  
271 subdivision. Such regulations, on and after July 1, 1985, shall provide  
272 that proper provision be made for soil erosion and sediment control  
273 pursuant to section 22a-329. Such regulations shall not impose  
274 conditions and requirements on manufactured homes having as their  
275 narrowest dimension twenty-two feet or more and built in accordance  
276 with federal manufactured home construction and safety standards or  
277 on lots containing such manufactured homes which are substantially  
278 different from conditions and requirements imposed on single-family  
279 dwellings and lots containing single-family dwellings. Such  
280 regulations shall not impose conditions and requirements on  
281 developments to be occupied by manufactured homes having as their  
282 narrowest dimension twenty-two feet or more and built in accordance  
283 with federal manufactured home construction and safety standards  
284 which are substantially different from conditions and requirements  
285 imposed on multifamily dwellings, lots containing multifamily  
286 dwellings, cluster developments or planned unit developments. The  
287 commission may also prescribe the extent to which and the manner in  
288 which streets shall be graded and improved and public utilities and

289 services provided and, in lieu of the completion of such work and  
290 installations previous to the final approval of a plan, the commission  
291 may accept a bond in an amount and with surety and conditions  
292 satisfactory to it securing to the municipality the actual construction,  
293 maintenance and installation of such improvements and utilities  
294 within a period specified in the bond. Such regulations may provide,  
295 in lieu of the completion of the work and installations above referred  
296 to, previous to the final approval of a plan, for an assessment or other  
297 method whereby the municipality is put in an assured position to do  
298 such work and make such installations at the expense of the owners of  
299 the property within the subdivision. Such regulations may provide  
300 that in lieu of either the completion of the work or the furnishing of a  
301 bond as provided in this section, the commission may authorize the  
302 filing of a plan with a conditional approval endorsed thereon. Such  
303 approval shall be conditioned on (1) the actual construction,  
304 maintenance and installation of any improvements or utilities  
305 prescribed by the commission, or (2) the provision of a bond as  
306 provided in this section. Upon the occurrence of either of such events,  
307 the commission shall cause a final approval to be endorsed thereon in  
308 the manner provided by this section. Any such conditional approval  
309 shall lapse five years from the date it is granted, provided the  
310 applicant may apply for and the commission may, in its discretion,  
311 grant a renewal of such conditional approval for an additional period  
312 of five years at the end of any five-year period, except that the  
313 commission may, by regulation, provide for a shorter period of  
314 conditional approval or renewal of such approval. Any person who  
315 enters into a contract for the purchase of any lot subdivided pursuant  
316 to a conditional approval may rescind such contract by delivering a  
317 written notice of rescission to the seller not later than three days after  
318 receipt of written notice of final approval if such final approval has  
319 additional amendments or any conditions that were not included in  
320 the conditional approval and are unacceptable to the buyer. Any  
321 person, firm or corporation who, prior to such final approval, transfers  
322 title to any lot subdivided pursuant to a conditional approval shall be  
323 fined not more than one thousand dollars for each lot transferred.

324 Nothing in this subsection shall be construed to authorize the  
325 marketing of any lot prior to the granting of conditional approval or  
326 renewal of such conditional approval.

327 Sec. 6. Subsection (a) of section 22a-42a of the general statutes is  
328 repealed and the following is substituted in lieu thereof (*Effective July*  
329 *1, 2008, and applicable to regulations adopted on or after July 1, 2008*):

330 (a) The inland wetlands agencies authorized in section 22a-42 shall  
331 through regulation provide for (1) the manner in which the boundaries  
332 of inland wetland and watercourse areas in their respective  
333 municipalities shall be established and amended or changed, (2) the  
334 form for an application to conduct regulated activities, (3) notice and  
335 publication requirements, (4) criteria and procedures for the review of  
336 applications, and (5) administration and enforcement. No regulation  
337 that is inconsistent with the municipal plan of conservation and  
338 development, adopted under section 8-23 of the 2008 supplement to  
339 the general statutes, shall be effective unless the legislative body of the  
340 municipality approves such regulation. The determination of  
341 inconsistency with the plan shall be made by the planning commission  
342 or combined planning and zoning commission of the municipality and  
343 may not be appealed. The discretionary approval of a regulated  
344 activity for a particular development or improvement to real property  
345 by an inland wetlands agency shall not be construed to be a change to  
346 a regulation.

347 Sec. 7. (NEW) (*Effective July 1, 2008*) Each state agency that provides  
348 state financial assistance to any development of real property under  
349 any provision of the general statutes or any public or special act, shall,  
350 to the extent authorized, allocate from such state aid an amount  
351 sufficient for pedestrian or other nonmotorized transportation  
352 improvements in connection with such property. The Secretary of the  
353 Office of Policy and Management may waive the application of this  
354 section upon a finding that the nature, scope or location of the  
355 development is not appropriate for such improvements.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2008</i>	New section
Sec. 2	<i>July 1, 2008</i>	New section
Sec. 3	<i>January 1, 2009</i>	New section
Sec. 4	<i>July 1, 2008, and applicable to regulations adopted on or after July 1, 2008</i>	8-2(a)
Sec. 5	<i>July 1, 2008, and applicable to regulations adopted on or after July 1, 2008</i>	8-25(a)
Sec. 6	<i>July 1, 2008, and applicable to regulations adopted on or after July 1, 2008</i>	22a-42a(a)
Sec. 7	<i>July 1, 2008</i>	New section

**PD**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The bill establishes the Responsible Growth Cabinet and appoints a variety of agencies, which results in no fiscal impact to any of these agencies.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

**OLR Bill Analysis****sSB 39*****AN ACT CONCERNING RESPONSIBLE GROWTH.*****SUMMARY:**

The bill establishes the Responsible Growth Cabinet and specifies its membership and responsibilities, which include a review of certain “regionally significant projects.” The cabinet must review these projects to determine their consistency with state growth management principles. Under the bill, these principles encourage the use of land and resources in ways that enhance the long-term quality of life for current and future state residents.

The bill makes zoning, subdivision, and inland wetland regulations that conflict with local plans of conservation and development, as determined by the local planning (or planning and zoning) commission, ineffective unless the municipality’s legislative body approves the regulations.

The bill eliminates a requirement that zoning regulations be designed to avoid an undue concentration of population.

By law, zoning regulations may encourage energy-efficient development patterns, use of renewable energy, and energy conservation. They can provide incentives for developers who use passive solar techniques, e.g., using site design to maximize solar heat gain. Under current law, the incentives can include such things as higher development density limits and allowing cluster developments. The bill appears to require that, if a town adopts zoning regulations that encourage energy-efficient development patterns, use of renewable energy, and energy conservation, they must include these measures, independent of the use of passive solar techniques.

The bill requires that any real property development that receives state financial assistance under any law (including special acts) to allocate from the assistance, to the extent authorized, sufficient funds for pedestrian and other non-motorized transportation improvements in connection with the property. The bill allows the Office of Policy and management (OPM) secretary to waive this requirement upon a finding that the project's nature, scope or location is not appropriate for such improvement.

EFFECTIVE DATE: January 1, 2009 for the provisions regarding regionally significant projects, and July 1, 2008 for the remaining provisions, with the consistency provisions applying to regulations adopted on or after that date.

## **RESPONSIBLE GROWTH CABINET**

### ***Membership***

Under the bill, the cabinet consists of the following officials or their designees: the OPM secretary; the Economic and Community Development, Environmental Protection, Agriculture, Transportation and Public Health commissioners; and the executive directors of the Connecticut Housing Finance Authority and the Connecticut Development Authority. The OPM secretary or his designee must be the cabinet's chairperson. Executive Order 15 created an interagency steering council consisting of the same officials.

### ***Responsibilities***

The bill requires the cabinet to advise the governor on policies and initiatives to implement responsible growth principles. Under the bill, these principles seek to use land and resources to enhance the long-term quality of life for citizens of the state and future generations by (1) protecting open space, farmlands, and historic sites; (2) cleaning up and reusing brownfields, (3) encouraging growth and real estate development in areas served by existing infrastructure, (4) promoting development of housing, including affordable housing, near existing highways and sewers, (5) revitalizing cities, (6) preserving the state's unique charm, (7) developing pedestrian or other non-motorized

transportation, and (8) building livable, economically strong communities while protecting natural resources.

The bill requires state agencies to refer “regionally significant developments” to the cabinet for review before the agency issues a permit for certain developments or provides them more than \$500,000 in financial assistance. These developments are construction projects that are planned to create, or a renovation or expansion project that is planned to result in, (1) more than 250,000 square feet of indoor commercial or industrial space (the Legislative Office Building has approximately 240,000 square feet of usable space), (2) more than 250 residential housing units in buildings that are less than four stories high, or (3) more than 500 parking spaces.

The cabinet may invite the developer to attend the next meeting of the cabinet to make a presentation and answer questions from cabinet members. The meeting must be open to the public and noticed like a public meeting.

Within 30 days of the meeting, the cabinet must send written comments to the developer on the consistency of the development with the principles of responsible growth. The comments may include (1) specific recommendations to strengthen the development’s consistency with the principles and (2) a recommendation whether it would be in the public interest for state agencies to coordinate the review and issuance of permits for the development and, if so, whether the development should receive state financial assistance.

The comments and meeting minutes must also be sent to the regional council of elected officials, the regional council of governments, or the regional planning agency of the region affected by the development, the departments of Education and Higher Education, the Connecticut Commission on Culture and Tourism, the Office of Workforce Competitiveness, and any other state agency that the cabinet finds may be affected by, in a position to directly assist, or required to approve some aspect of the development.



These meetings, processes, agendas, and comments do not constitute a decision or approval of a state agency. Any action of the cabinet may not be appealed, and only parties described in these provisions may intervene in the meetings.

## **CONSISTENCY WITH LOCAL PLANS OF CONSERVATION AND DEVELOPMENT**

The bill makes zoning, subdivision, and inland wetland regulations and zoning district boundaries that conflict with local plans of conservation and development, ineffective unless the municipality's legislative body approves the regulations. The local planning (or planning and zoning) commission must determine consistency. The determination is not appealable.

These provisions apply to regulations adopted on or after July 1, 2008. An inland wetlands agency's discretionary approval of a regulated activity for a particular development or improvement to real property does not count as a change to a regulation. The bill does not specify the consequences of a regulation being determined to be ineffective.

## **BACKGROUND**

### ***Related Bill***

sHB 5324, AA Implementing the Recommendations of the Program Review and Investigations Committee Study of Regional Planning Organizations, favorably reported by the Program Review and Investigations and Planning and Development committees, requires planning and zoning commissions to notify regional planning organizations (RPOs) of applications for projects of regional significance. It requires the RPO to study the proposal and report its findings and recommendations to sending commission. The report must analyze the compliance of the project with the regional plan of conservation and development and other issues it considers critical. That bill defines such projects differently than this bill.

## **COMMITTEE ACTION**

## Planning and Development Committee

Joint Favorable Substitute

Yea     20     Nay   0     (03/12/2008)